YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Commentaries on the Mishna**

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**Shiur#16: The Commentary of the *Melekhet Shlomo*,Part 2**

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In the previous *shiur,* we surveyed the life story of Rabbi Shlomo Adeni, the author of the *Melekhet Shlomo* commentary on the Mishna, as well as his motives for composing the commentary and his declared goals for it. In this *shiur,* we will focus on two unique features of his commentary.

1. **Comments on the Redaction of the Mishna**

The *Melekhet Shlomo* frequently comments on the order and method of the redaction of the Mishna, as is evident from the following examples.

1. **The Repetitive Nature of the *Mishnayot* in *Shevi’it* Chapter 3**

The Mishna in tractate *Shevi’it* discusses the permissibility of bringing manure to the fields during the Shemitta, the Sabbatical year, in which all planting and other agricultural activities are prohibited. The Mishna states as follows:

How much manure may one fertilize [by piling up in the field]? Up to three heaps of ten baskets each per *beit se’a* [a measurement of land], each one a half-*kor*. One may add to the [number of] baskets, but may not add to the [number of] heaps. Rabbi Shimon says: [One may even add] to the [number of] heaps. (Mishna *Shevi’it* 3:2)

The Mishna rules that it is permitted to bring three heaps of fertilizer for each *beit se’a,* where each heap contains ten baskets, and the volume of each basket is a *letekh*, which is equivalent to one-half *kor*, or 15 *se’a* (approximately 125 liters)*.* In total, then, each heap contains 150 *se’a* (1250 liters)*.* The reason is that although fertilizing a field is prohibited during the Shemitta year, using such large heaps of fertilizer demonstrates that the owner is simply interested in storing his fertilizer, not benefiting his field. The Mishna continues that it is permitted to increase the amount of baskets, but not the amount of heaps. However, Rabbi Shimon permits increasing the number of heaps as well. The basis for his ruling is that in these cases, his intention does not appear to be to benefit the field per se, but rather simply to collect the manure. In the next Mishna, the following ruling is issued:

A person may make his field three heaps for each *beit se’a*; more than that, he may form [them in the shape of] a tripod, [these are] the words of Rabbi Shimon. And the Rabbis forbid this, unless he deepens [the hole] three [handbreadths], or unless he raises [it] three [handbreadths]. (Mishna *Shevi’it* 3:3)

This Mishna appears to repeat the dispute between the first *tanna* and Rabbi Shimon: Rabbi Shimon says that one may make three heaps, and more than that, he may form a tripod, while the Rabbis forbid doing so unless he deepens or raises the ground three handbreadths. With regard to the statement, “more than that, he may form a tripod,” there are differing versions of the text. Most of the manuscript versions of the Mishna, as well as the Mishna that appears in the Jerusalem Talmud, read “more than that,” as being the opinion of Rabbi Shimon. This matches the previous Mishna, where Rabbi Shimon permits increasing the number of heaps as well.

In any case, it is difficult to understand why the Mishna repeats the dispute between Rabbi Shimon and the Rabbis that was already taught in the previous Mishna. True, the Mishna adds that according to the opinion of the Rabbis, one is allowed to deepen or raise the ground, but why does that necessitate restating the entire dispute? The *Melekhet Shlomo* addresses this question as follows:

And even though it was possible to shorten the statement and say, “one who wishes to increase, may deepen three, etc.” and it was not necessary [to repeat] the dispute between Rabbi Shimon and the Rabbis, and certainly not the first clause. However, because our holy teacher [Rabbi Yehuda Ha-nasi] was not permitted to alter the language of his teachers, and he learned the formulation of the first Mishna in one *baraita*, and a different *baraita* the formulation of this Mishna, and he was not allowed to change the formulation, and he needed both; therefore, he kept both of them in their exact [original] formulation. (*Melekhet Shlomo, Shevi’it* 3:3)

The *Melekhet Shlomo* explains that Rabbi Yehuda Ha-nasi, the redactor of the Mishna, received groups of *mishnayot* from various sources (referred to here as *baraita*)*,* and his ability to edit them was limited because he was compelled to use both sources in their original form, despite their repetitiveness, and he was “not permitted” to unify the two sources into one dispute. Rather, Rabbi Yehuda Ha-nasi primarily “cut and paste” the sources he had, rather than blending them together. This also appears to be Rashi’s approach to Rabbi Yehuda Ha-nasi’s editing of the Mishna, as indicated from his commentary on *Bava Metzia* 33b (s.v. *bimei rebbi*). The Rambam, in his introduction to the *Mishneh Torah,* disputes this, and maintains that Rabbi Yehuda Ha-nasi’s compilation of the Mishna involved a much more significant and expanded role.

1. **The Order of *Mishnayot* in Tractate *Shabbat*, Chapter 9**

The Mishna in Shabbat chapter 9 lists a series of seven *halakhot* which all appear to be derived by *asmakhta* (indirect allusion in scripture)*,* most of them from verses found in Tanakh.

Rabbi Akiva said: From where is it derived that an idol contaminates [the one carrying it] with impurity [transmitted by] carrying? As it is stated, “You will cast them away as [you would] a menstruating woman, you will say to it: Go out!” (Isaiah 30:22). Just as a menstruating woman transmits impurity through impurity of carrying, so too an idol transmits impurity through the impurity of carrying.

From where is it derived that a ship is pure [i.e., not susceptible to ritual impurity]? As it is stated, “The path of a ship in the heart of the sea” (*Mishlei* 30:19).

From where is it derived that a garden patch that is six [handbreadths] by six handbreadths may be sown with five types of seeds, four on the four sides of the patch, and one in the center? As it is stated, “For like the earth gives forth its plant, and like a garden causes its seeds to sprout” (Isaiah 61:11). It does not say “its seed,” but “its seeds.”

From where is it derived that a woman who emits semen on the third day [following marital intercourse] is impure? As it is stated, “Be ready for a three day [period]” (*Shemot* 19:15).

From where is it derived that we bathe a circumcised [infant] on the third day [following the circumcision] that falls out on Shabbat? As it is stated, “And it came to pass on the third day, when they were in pain.” (*Bereshit* 34:25)

From where is it derived that a strip of red [wool] is tied on the head of the scapegoat? As it is stated, “If your sins will be like crimson, they will become white as snow.” (Isaiah 1:18)

From where is it derived that anointing is equivalent to drinking on Yom Kippur? Although there is no proof for the matter, there is an allusion to the matter, as it is stated (*Tehillim* 109:18), “So it will come like water into his innards and like oil into his bones.”

(Mishna *Shabbat* 9:1-4)

Rashi and *Tosafot* (*Shabbat* 82a) discuss the question of why these *halakhot* are cited in tractate *Shabbat,* where they seem totally unrelated. Rashi (s.v. *amar Rabbi Akiva*) explains that this group of *halakhot* is brought here due to the fifth one, which is related to the laws of Shabbat (heating up water on Shabbat to bathe a circumcised infant). *Tosafot* (s.v. *amar rabbi Akiva*) suggests that they are presented here due to the last Mishna in chapter eight, where a certain ruling is issued using a similar style. In any case, these *Rishonim* do not address the order of *halakhot* within the series of *mishnayot* itself, but the *Melekhet Shlomo* does discuss this issue.

In my humble opinion, it seems that he first taught “from where is it derived that an idol, etc.” for the reason that Rashi explains, or for the reason that *Tosafot* explains… and it subsequently teaches “from where is it derived that a ship,” which is also a matter of impurity and purity, similar to the passage about idolatry. And it is logical that the passage about emitting [semen] should appear next, as it is also a matter of impurity and purity, but the section about emitting and the section about bathing are both on the third day, and the section about emitting is derived from a verse about the giving of the Torah… because of this, he places the section about the patch first. And afterward, it taught the section of tying and the section about anointing, as both are relevant to Yom Kippur. (*Melekhet Shlomo, Shabbat* 9:1)

The *Melekhet Shlomo* here attempts to discern the logic of the order of the *halakhot* presented in these *mishnayot*. He explains the connection between the first two topics based on the common theme of impurity found in both. He explains the connection between the fourth and fifth *halakhot* based on the element of time, that both are related to “three days,” and the connection between the sixth and seventh *halakhot* is that both of them discuss Yom Kippur. Although he does not resolve all of the questions about the order, such as the reason for the placement of the third halakha, the effort he invests in attempting to explain this issue is striking, given the fact that the other commentaries on the Mishna did not bother to address it at all.

1. **Examples of Adopting the Simple Explanation of the Mishna**

In the previous *shiur,* we noted that the *Melekhet Shlomo* frequently quotes Rabbi Yosef Ashkenazi regarding matters of emending the text of the Mishna. In addition, it should be noted that Rabbi Ashkenazi sometimes offers explanations that are in accordance with the simple meaning of the Mishna, but not with those of the Gemara. The *Melekhet Shlomo* often cites these explanations as well.

1. **One Who Makes his Prayer Fixed**

The Mishna in Tractate *Berakhot* cites a Tannaitic dispute with regard to the text of the daily prayers:

Rabban Gamliel says: Every single day a person must pray the *Shemoneh Esreh* (eighteen blessings)*.* Rabbi Yehoshua says: [One must pray daily] an abridgement of [literally: similar to] the *Shemoneh Esreh.* Rabbi Akiva says: If the prayer is assured in his mouth [i.e., he knows the text well], he recites [the full] *Shemoneh Esreh;* andif not, [then he recites] an abridgement of the *Shemoneh Esreh.* Rabbi Eliezer says: One who makes his prayer fixed, his prayer is not [considered a] supplication. (Mishna *Berakhot* 4:3)

The Gemara brings a number of explanations for Rabbi Eliezer’s opinion:

What is [the meaning of] “fixed?” Rabbi Ya’akov bar Idi says in the name of Rabbi Oshaya: Anyone whose prayer appears to him like a burden. And the Rabbis say: Anyone who does not say it in the manner of a supplication. Rabba and Rav Yosef both say: Anyone who is unable to add something novel [into his prayer]… Abaye bar Avin and Rabbi Chanina bar Avin both say: Anyone who does not pray with the redness of the sun [i.e., shortly after sunrise and shortly before sunset, when the sun is reddest].[[1]](#footnote-1) (*Berakhot* 29b)

The *Melekhet Shlomo* quotes the Gemara first, and then cites an additional explanation of the word “fixed” from Rabbi Yosef Ashkenazi:

And the sage, Rav Yosef Ashkenazi, wrote that Rabbi Eliezer is referring to [the opinions in the Mishna] above [that one should pray daily], and argues with of them, and says that one should not establish a fixed prayer, whether one prays [the full] *Shemoneh Esreh*, or the abridged *Shemoneh Esreh*: One who makes his prayer fixed, his prayers are not considered a supplication. (*Melekhet Shlomo, Berakhot* 4:3)

Accordingly, in the opinion of Rabbi Ashkenazi, Rabbi Eliezer disagrees with the very imperative that a person should pray on a daily basis, and believes that it is preferable for him to pray only when he feels inspired to do so.

1. **Until He Pours Water into Them**

The Mishna in *Berakhot* discusses the possibility of reciting Shema following immersion in a *Mikve* (ritual bath).

One who descended to immerse [in a *Mikve*]; if he can ascend [from the *Mikve*] and cover himself and recite [Shema] before the sun rises, he should do so. And if [he can] not [do so before sunrise], he should cover himself with water and recite [Shema];[[2]](#footnote-2) but he should not cover himself with foul water, or with water [in which flax] was soaked, until he pours in [additional] water in. And how far should he distance himself from it or from excrement? Four cubits. (Mishna *Berakhot* 3:5)

The Gemara finds the pouring water mentioned by the Mishna difficult:

And how much water must he pour? Rather, this is what it is saying: He should not cover himself with foul water or with water [in which flax] was soaked at all, and [if there is a nearby vessel with] urine, [he should wait] until he pours in [clean] water. (*Berakhot* 25b)

Rashi explains that according to the Gemara, the amount of water necessary to remove the smell of the flax is quite large, and therefore unreasonable. Consequently, the Gemara explains that the injunction to pour additional water mentioned by the Mishna refers to doing so into urine (even though that word is not found in the text of the Mishna), next to which it is also forbidden to recite Shema. This understanding of the Gemara, as explained by Rashi, is also the explanation given by the Rambam and the other commentaries on the Mishna. However, the *Melekhet Shlomo* cites Rabbi Yosef Ashkenazi who suggested another explanation for the Mishna: “And Rav Yosef wrote that the explanation of the meaning of the Mishna is that it refers to the foul waters mentioned previously…”

1. **The Five Types of Grain**

The Mishna in Tractate *Challa* cites a number of *halakhot* related to the five types of grain:

One who consumes the size of an olive’s worth of matza [made from the five grains] on [the first night of] Pesach has fulfilled his obligation [to eat matza]; [one who consumes] an olive’s worth of leavened bread [from them on Pesach] is liable to excision from the world to come. If [leavened bread] from one [of the five grains] was mixed in with any of the [other] types, this [person] violates [the prohibition of retaining leavened bread in one’s possession] on Pesach. One who takes a vow [not to benefit] from bread or from *tevu’a* (grain), is forbidden [only] from them [i.e., the five grains], this is the statement of Rabbi Meir. And the Rabbis say: One who takes a vow from *dagan* (grain), is only forbidden from them. And [these five grains] are obligated in [having] *challa*[[3]](#footnote-3) [separated from them] and in tithes [being separated]. (Mishna *Challa* 1:2)

Toward the end of the Mishna, the dispute between Rabbi Meir and the Rabbis about one who takes a vow is cited. The *Melekhet Shlomo* discusses this dispute, both with regard to the text of the Mishna, as well as with regard to the explanation of the nature of the dispute. Here are his comments about the text of the Mishna, for which he brings a variant version:

One who takes a vow [not to benefit] from bread or from *tevu’a* (grain), is forbidden only from them [i.e., the five grains], but one who takes a vow from *dagan* (grain),[[4]](#footnote-4) is forbidden to [benefit from] everything; this is the statement of Rabbi Meir. And the Rabbis say: Even one who takes a vow from *dagan* (grain), is only forbidden from them. I have heard that this is the primary version of the Mishna… but from the commentary of the Rambam it is somewhat evident that he read the text like it is written in the [printed] books. (*Melekhet Shlomo*, *Challa* 1:2)

The difference between the two versions of the text only relates to whether Rabbi Meir states explicitly that one who takes a vow not to benefit from *dagan* is forbidden to consume everything: According to the printed version, it is derived from his words that one who takes a vow regarding *tevua* (but not *dagan*) is forbidden only to the five grains, but this is not stated outright,[[5]](#footnote-5) while according to the variant version mentioned by the *Melekhet Shlomo,* it is stated explicitly.

The *Melekhet Shlomo* then goes on to cite the explanation of Rabbi Shlomo Sirilio, that according to Rabbi Yochanan quoted in the Gemara (*Nedarim* 55a), all agree that if one takes a vow to prohibit benefit from *tevu’a,* only the five grains are prohibited. Rather, the dispute is only about one who takes a vow to prohibit benefit from *dagan*. In this case, Rabbi Meir prohibits benefit from grain, as well as seeds and legumes (though not fruits), while the Rabbis limit the effect of the vow to actual grain. This is in fact how the Rambam and other commentaries on the Mishna explain it. The *Melekhet Shlomo* then cites another explanation of Rabbi Yosef Ashkenazi:

Rav Yosef explains: “One who takes a vow from *dagan* is only forbidden from them [the five grains]; according to the language of the Jerusalem Talmud, it seems that the Rabbis hold the opposite of Rabbi Meir: Rabbi Meir holds that one who takes a vow from *dagan* is prohibited from all [items], as it says in *Nedarim* chapter 7, and the Rabbis hold that he is only prohibited from the five types. And Rabbi Meir holds that one who takes a vow from bread and from *tevu’a* is only prohibited from these five types, and the Rabbis hold that he is prohibited to all types. This is evident from the language of the *Yerushalmi,* and with it, the language of the Mishna is resolved. However, in our Talmud [the *Bavli*] in Tractate *Nedarim* it says that Rabbi Yochanan says: All agree that one who takes a vow from *tevua* is only prohibited from the five types, and this requires further study.” (*Melekhet Shlomo*, *Challa* 1:2)

While the *Bavli* clearly states that there is no dispute between Rabbi Meir and the Rabbis in the case of taking a vow from *tevu’a,* Rav Yosef argues that the two take diametrically opposite opinions, and even in this case, the Tanna’im dispute the halakha. He also claims that this is the implication of the passage in the Jerusalem Talmud, though he does not mention what the exact derivation is. According to his opinion, this explanation fits the formulation of the Mishna more smoothly, as according to each opinion, one formulation of the one taking the vow prohibits benefit from all items, and another formulation limits the vow to the five types of grain.[[6]](#footnote-6)

1. Rashi explains this statement as follows: “And this is the [reason for] the language of ‘fixed,’ as his prayer is [recited only as] a fixed practice to fulfill his obligation, and he is not particular to strive [to pray] at the [ideal] time of the mitzva or a propitious time.” Rashi’s explanation is predicated upon the fact that the Gemara immediately thereafter cites the statement of Rabbi Yochanan that the ideal time of the redness of the sun. [↑](#footnote-ref-1)
2. The Gemara (*Berakhot* 25b) explains that this Mishna refers to an individual who conducts himself like the *vatikin,* the especially devoted individuals who were careful to recite Shema immediately prior to sunrise so that they could recite the *Shemoneh Esreh* at sunrise, which is considered a highly praiseworthy practice. [↑](#footnote-ref-2)
3. The mitzva of *challa*, as prescribed by the Torah (*Bamidbar* 15:17-21),requires one who bakes with dough to separate a small portion of that dough and to give to a priest (though today, the dough is burned for various reasons). [↑](#footnote-ref-3)
4. The Hebrew terms *tevu’a* and *dagan* both refer to grain or produce, but in this context, it is unclear whether they include only the five types of grain, or also include other produce such as legumes or other seeds as well. This question is the basis for the dispute between Rabbi Meir and the Rabbis. [↑](#footnote-ref-4)
5. See also the comments of *Tosefot Yom Tov* here about the correct version of the text. [↑](#footnote-ref-5)
6. R. Yaakov Nachum Epstein cites additional examples of explanations given by the *Melekhet Shlomo* that are against those offered in the *Talmud Bavli* in his work “*Mavo Le-nusach Ha-Mishna*,” Volume 2, p.1285. [↑](#footnote-ref-6)